

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 373

To amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 16 (legislative day, JANUARY 5), 1993

Mr. DECONCINI (for himself and Mr. HATCH) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Copyright Reform Act  
5       of 1993”.

# 1     **TITLE I—COPYRIGHT OFFICE**

## 2     **SEC. 101. COPYRIGHT RECORDATION PROVISIONS.**

3         Section 301(b) of title 17, United States Code, is  
4 amended—

5             (1) in paragraph (3) by striking “or” after the  
6 semicolon;

7             (2) in paragraph (4) by striking the period and  
8 inserting “; or”; and

9             (3) by adding at the end the following:

10             “(5) perfecting security interests.”.

## 11    **SEC. 102. COPYRIGHT REGISTRATION PROVISIONS.**

12         (a) REGISTRATION AND INFRINGEMENT ACTIONS.—

13         Section 411 of title 17, United States Code, is amended  
14 to read as follows:

### 15    **“§ 411. Registration and infringement actions**

16         “In the case of a work consisting of sounds, images,  
17 or both, the first fixation of which is made simultaneously  
18 with its transmission, the copyright owner may, either be-  
19 fore or after such fixation takes place, institute an action  
20 for infringement under section 501, fully subject to the  
21 remedies provided by sections 502 through 506 and sec-  
22 tions 509 and 510, if, in accordance with requirements  
23 that the Register of Copyrights shall prescribe by regula-  
24 tion, the copyright owner serves notice upon the infringer,  
25 not less than 10 or more than 30 days before such fixa-

tion, identifying the work and the specific time and source of its first transmission.”.

(b) REGISTRATION AS PREREQUISITE TO CERTAIN REMEDIES FOR INFRINGEMENT.—Section 412 of title 17, United States Code, and the item relating to section 412 in the table of sections at the beginning of chapter 4 of title 17, United States Code, are repealed.

**SEC. 103. THE COPYRIGHT OFFICE: GENERAL RESPONSIBILITIES AND ORGANIZATION.**

(a) REGISTER OF COPYRIGHTS.—Section 701(a) of title 17, United States Code, is amended to read as follows:

“(a)(1) The President shall appoint, by and with the advice and consent of the Senate, the Register of Copyrights. The Register of Copyrights shall be paid at the rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5.”.

“(2) All administrative functions and duties under this title, except as otherwise specified, are the responsibility of the Register of Copyrights as director of the Copyright Office of the Library of Congress. The Register of Copyrights shall appoint all other officers and employees of the Copyright Office, who shall act under the Register’s general direction and supervision.”.

1 (b) ANNUAL REPORT.—Section 701(c) of title 17,  
2 United States Code, is amended to read as follows:

3 “(c) The Register of Copyrights shall make an annual  
4 report to the Congress on the work and accomplishments  
5 of the Copyright Office during the previous fiscal year.”.

6 (c) REPEAL.—Section 701(e) of title 17, United  
7 States Code, is repealed.

8 **SEC. 104. COPYRIGHT OFFICE REGULATIONS.**

9 Section 702 of title 17, United States Code, is  
10 amended by striking the last sentence.

11 **SEC. 105. CONFORMING AMENDMENTS.**

12 (a) DEFINITIONS.—Section 101 of title 17, United  
13 States Code, is amended by striking the definition of the  
14 “country of origin” of a Berne Convention work.

15 (b) RECORDATION OF TRANSFERS AND OTHER DOC-  
16 UMENTS.—Section 205(c) of title 17, United States Code,  
17 is amended by striking “but only if—” and all that follows  
18 through the end of paragraph (2) and inserting the follow-  
19 ing: “but only if the document, or material attached to  
20 it, specifically identifies the work to which it pertains so  
21 that, after the document is indexed by the Register of  
22 Copyrights, it would be revealed by a reasonable search  
23 under the title or registration number of the work.”.

24 (c) INFRINGEMENT OF COPYRIGHT.—Section 501(b)  
25 of title 17, United States Code, is amended in the first

1 sentence by striking “, subject to the requirements of sec-  
 2 tion 411,”.

3 (d) REMEDIES FOR INFRINGEMENT.—Section 504(a)  
 4 of title 17, United States Code, is amended by striking  
 5 “Except as otherwise provided by this title, an” and  
 6 inserting “An”.

## 7 **TITLE II—COPYRIGHT ROYALTY** 8 **TRIBUNAL**

### 9 **SEC. 201. COPYRIGHT ARBITRATION ROYALTY PANELS.**

10 (a) ESTABLISHMENT AND PURPOSE.—Section 801 of  
 11 title 17, United States Code, is amended to read as  
 12 follows:

#### 13 **“§ 801. Copyright arbitration royalty panels: estab-** 14 **lishment and purpose**

15 “(a) ESTABLISHMENT.—The Register of Copyrights  
 16 is authorized to appoint and convene copyright arbitration  
 17 royalty panels to—

18 “(1) make determinations concerning the ad-  
 19 justment of the copyright royalty rates as provided  
 20 in section 803;

21 “(2) adjust royalty payments under section  
 22 1004(a)(3);

23 “(3) distribute royalty fees deposited with the  
 24 Register of Copyrights under sections 111 and

1 119(b) in the event a controversy over such distribu-  
 2 tion exists; and

3 “(4) distribute the royalty fees deposited with  
 4 the Register of Copyrights under section 1005 in the  
 5 event a controversy over such distribution exists  
 6 under section 1006(c).”.

7 (b) MEMBERSHIP AND PROCEEDINGS.—Section 802  
 8 of title 17, United States Code, is amended to read as  
 9 follows:

10 **“§ 802. Membership and proceedings of copyright ar-**  
 11 **bitration royalty panels**

12 “(a) COMPOSITION OF COPYRIGHT ARBITRATION  
 13 ROYALTY PANELS.— A copyright arbitration royalty  
 14 panel shall consist of 3 arbitrators selected by the Register  
 15 of Copyrights pursuant to subsection (b).

16 “(b) SELECTION OF ARBITRATION PANEL.—Not  
 17 later than 10 days after publication of a notice initiating  
 18 an arbitration proceeding under section 803 or 804, and  
 19 in accordance with procedures specified by the Register  
 20 of Copyrights, the Register of Copyrights shall select 2  
 21 arbitrators from lists of arbitrators provided to the Reg-  
 22 ister by parties participating in the arbitration. The 2 ar-  
 23 bitrators so selected shall, within 10 days after their selec-  
 24 tion, choose a third arbitrator from the same lists, who  
 25 shall serve as the chairperson of the arbitrators. If such

1 2 arbitrators fail to agree upon the selection of a chair-  
2 person, the Register of Copyrights shall promptly select  
3 the chairperson.

4 “(c) ARBITRATION PROCEEDINGS.—Copyright arbi-  
5 tration royalty panels shall conduct arbitration proceed-  
6 ings, in accordance with such procedures as they may  
7 adopt, for the purpose of making their determinations in  
8 carrying out the purposes set forth in section 801. The  
9 arbitration panels shall act on the basis of a fully docu-  
10 mented written record. Any copyright owner who claims  
11 to be entitled to royalties under section 111 or 119 or any  
12 interested copyright party who claims to be entitled to roy-  
13 alties under section 1006 may submit relevant information  
14 and proposals to the arbitration panels in proceedings ap-  
15 plicable to such copyright owner or interested copyright  
16 party. The parties to the proceedings shall bear the entire  
17 cost thereof in such manner and proportion as the arbitra-  
18 tion panels shall direct.

19 “(d) REPORT TO THE REGISTER OF COPYRIGHTS.—  
20 Not later than 180 days after publication of the notice  
21 initiating an arbitration proceeding, the copyright arbitra-  
22 tion royalty panel conducting the proceeding shall report  
23 to the Register of Copyrights its determination concerning  
24 the royalty fee or distribution of royalty fees, as the case  
25 may be. Such report shall be accompanied by the written

1 record, and shall set forth the facts that the arbitration  
2 panel found relevant to its determination.

3       “(e) ACTION BY COPYRIGHT ARBITRATION ROYALTY  
4 PANEL.—Within 60 days after receiving the report of a  
5 copyright arbitration royalty panel under subsection (d),  
6 the Register of Copyrights shall adopt or reject the deter-  
7 mination of the arbitration panel. The Register shall adopt  
8 the determination of the arbitration panel unless the Reg-  
9 ister finds that the determination is arbitrary. If the Reg-  
10 ister rejects the determination of the arbitration panel, the  
11 Register shall, before the end of that 60-day period, and  
12 after full examination of the record created in the arbitra-  
13 tion proceeding, issue an order setting the royalty fee or  
14 distribution of fees, as the case may be. The Register shall  
15 cause to be published in the Federal Register the deter-  
16 mination of the arbitration panel, and the decision of the  
17 Register (including an order issued under the preceding  
18 sentence). The Register shall also publicize such deter-  
19 mination and decision in such other manner as the Reg-  
20 ister considers appropriate. The Register shall also make  
21 the report of the arbitration panel and the accompanying  
22 record available for public inspection and copying.

23       “(f) JUDICIAL REVIEW.—Any decision of the Reg-  
24 ister of Copyrights under subsection (e) with respect to  
25 a determination of an arbitration panel may be appealed,



1 by any aggrieved party who would be bound by the deter-  
2 mination, to the United States Court of Appeals for the  
3 District of Columbia Circuit, within 30 days after the pub-  
4 lication of the decision in the Federal Register. The pend-  
5 ency of an appeal under this paragraph shall not relieve  
6 persons obligated to make royalty payments under sec-  
7 tions 111, 119, or 1003 who would be affected by the de-  
8 termination on appeal to deposit the statement of account  
9 and royalty fees specified in those sections. The court shall  
10 have jurisdiction to modify or vacate a decision of the Reg-  
11 ister only if it finds, on the basis of the record before the  
12 Register, that the Register acted in an arbitrary manner.  
13 If the court modifies the decision of the Register, the court  
14 shall have jurisdiction to enter its own determination with  
15 respect to the amount or distribution of royalty fees and  
16 costs, to order the repayment of any excess fees, and to  
17 order the payment of any underpaid fees, and the interest  
18 pertaining respectively thereto, in accordance with its final  
19 judgment. The court may further vacate the decision of  
20 the arbitration panel and remand the case for arbitration  
21 proceedings in accordance with subsection (c).”.

22 (c) ADJUSTMENT OF COMPULSORY LICENSE  
23 RATES.—Section 803 of title 17, United States Code, is  
24 amended to read as follows:

1 **“§ 803. Adjustment of compulsory license rates**

2       “(a) PETITIONS.—In accordance with subsection (b),  
3 any owner or user of a copyrighted work whose royalty  
4 rates are specified by this title, or by a rate established  
5 by the Copyright Royalty Tribunal before the date of the  
6 enactment of the Copyright Reform Act of 1993, or by  
7 a copyright arbitration royalty panel after such date of  
8 enactment, may file a petition with the Register of Copy-  
9 rights declaring that the petitioner requests an adjustment  
10 of the rate. The Register of Copyrights shall make a deter-  
11 mination as to whether the petitioner has a significant in-  
12 terest in the royalty rate in which an adjustment is re-  
13 quested. If the Register determines that the petitioner has  
14 a significant interest, the Register shall cause notice of  
15 this determination, with the reasons therefor, to be pub-  
16 lished in the Federal Register, together with the notice  
17 of commencement of proceedings under this chapter. Ex-  
18 cept as provided in subsection (b)(1), the rates set by a  
19 copyright arbitration royalty panel shall attempt to reflect  
20 what the fair market value of the use would be in the ab-  
21 sence of a compulsory license.

22       “(b) TYPES OF PROCEEDINGS.—

23               “(1) CABLE.—In making determinations con-  
24 cerning the adjustment of the copyright royalty rates  
25 in section 111, copyright arbitration royalty panels

1 shall make their determinations only in accordance  
2 with the following provisions:

3 “(A) The rates established by section  
4 111(d)(1)(B) may be adjusted to reflect na-  
5 tional monetary inflation or deflation, or  
6 changes in the average rates charged cable sub-  
7 scribers for the basic service of providing sec-  
8 ondary transmissions to maintain the real con-  
9 stant dollar level of the royalty fee per  
10 subscriber which existed on the date of the en-  
11 actment of the Copyright Reform Act of 1993,  
12 except that—

13 “(i) if the average rates charged cable  
14 system subscribers for the basic service of  
15 providing secondary transmissions are  
16 changed so that the average rates exceed  
17 national monetary inflation, no change in  
18 the rates established by section  
19 111(d)(1)(B) shall be permitted; and

20 “(ii) no increase in the royalty fee  
21 shall be permitted based on any reduction  
22 in the average number of distant signal  
23 equivalents per subscriber.

24 Copyright arbitration royalty panels may con-  
25 sider all factors relating to the maintenance of

1 such level of payments including, as an extenu-  
2 ating factor, whether the cable industry has  
3 been restrained by subscriber rate regulating  
4 authorities from increasing the rates for the  
5 basic service of providing secondary trans-  
6 missions.

7 “(B) In the event that the rules and regu-  
8 lations of the Federal Communications Com-  
9 mission are amended at any time after April  
10 15, 1976, to permit the carriage by cable sys-  
11 tems of additional television broadcast signals  
12 beyond the local service area of the primary  
13 transmitters of such signals, the royalty rates  
14 established by section 111(d)(1)(B) may be ad-  
15 justed to ensure that the rates for the addi-  
16 tional distant signal equivalents resulting from  
17 such carriage are reasonable in the light of the  
18 changes effected by the amendment to such  
19 rules and regulations. In determining the rea-  
20 sonableness of rates proposed following an  
21 amendment of Federal Communications Com-  
22 mission rules and regulations, a copyright arbi-  
23 tration royalty panel shall consider, among  
24 other factors, the economic impact on copyright  
25 owners and users, except that no adjustment in

1 royalty rates shall be made under this subpara-  
2 graph with respect to any distant signal equiva-  
3 lent or fraction thereof represented by—

4 “(i) carriage of any signal permitted  
5 under the rules and regulations of the Fed-  
6 eral Communications Commission in effect  
7 on April 15, 1976, or the carriage of a sig-  
8 nal of the same type (that is, independent,  
9 network, or noncommercial educational)  
10 substituted for such permitted signal, or

11 “(ii) a television broadcast signal first  
12 carried after April 15, 1976, pursuant to  
13 an individual waiver of the rules and regu-  
14 lations of the Federal Communications  
15 Commission, as such rules and regulations  
16 were in effect on April 15, 1976.

17 “(C) In the event of any change in the  
18 rules and regulations of the Federal Commu-  
19 nications Commission with respect to syn-  
20 dicated and sports program exclusivity after  
21 April 15, 1976, the rates established by section  
22 111(d)(1)(B) may be adjusted to assure that  
23 such rates are reasonable in light of the  
24 changes to such rules and regulations, but any  
25 such adjustment shall apply only to the affected

1 television broadcast signals carried on those  
2 systems affected by the change.

3 “(D) The gross receipts limitations estab-  
4 lished by section 111(d)(1) (C) and (D) shall be  
5 adjusted to reflect national monetary inflation  
6 or deflation or changes in the average rates  
7 charged cable system subscribers for the basic  
8 service of providing secondary transmissions to  
9 maintain the real constant dollar value of the  
10 exemption provided by such section; and the  
11 royalty rate specified in such section shall not  
12 be subject to adjustment.

13 “(E) With respect to proceedings under  
14 subparagraph (A) or (D), petitions under sub-  
15 section (a) may be filed during 1995 and in  
16 each subsequent fifth calendar year.

17 “(F) With respect to proceedings under  
18 subparagraph (B) or (C), petitions under sub-  
19 section (a) may be filed within 12 months after  
20 an event described in either such subsection.  
21 Any change in royalty rates made pursuant to  
22 subparagraph (B) or (C) may be reconsidered  
23 in 1995 and each fifth calendar year thereafter,  
24 in accordance with subparagraph (B) or (C), as  
25 the case may be.

1           “(2) PHONORECORDS.—With respect to pro-  
2       ceedings to adjust the copyright royalty rates in sec-  
3       tion 115, petitions under subsection (a) may be filed  
4       in 1997 and in each subsequent tenth calendar year.

5           “(3) COIN-OPERATED PHONORECORD PLAY-  
6       ERS.—If a negotiated license authorized by section  
7       116 is terminated or expires and is not replaced by  
8       another license agreement under such section, the  
9       Register of Copyrights shall, upon petition filed  
10      under subsection (a) within 1 year after such termi-  
11      nation or expiration, convene a copyright arbitration  
12      royalty panel. The arbitration panel shall promptly  
13      establish an interim royalty rate or rates for the  
14      public performance by means of a coin-operated pho-  
15      norecord player of non-dramatic musical works em-  
16      bodied in phonorecords which had been subject to  
17      the terminated or expired negotiated license agree-  
18      ment. Such rate or rate shall be the same as the last  
19      such rate or rates and shall remain in force until the  
20      conclusion of proceedings by the arbitration panel, in  
21      accordance with section 802, to adjust the royalty  
22      rates applicable to such works, or until superseded  
23      by a new negotiated license agreement, as provided  
24      in section 116(c).

1           “(4) NONCOMMERCIAL BROADCASTING.—A  
 2       copyright arbitration royalty panel may commence  
 3       proceedings to adjust the copyright royalty rates in  
 4       section 118 as provided in that section.

5           “(5) DIGITAL AUDIO RECORDING.—The Reg-  
 6       ister of Copyrights shall make adjustments to roy-  
 7       alty payments under section 1004(a)(3) as provided  
 8       in that section.”.

9       (d) DISTRIBUTION OF COPYRIGHT ROYALTIES.—Sec-  
 10     tion 804 of title 17, United States Code, is amended to  
 11     read as follows:

12     **“§ 804. Distribution of copyright royalties**

13       “The distribution of royalties under this title shall be  
 14     as provided in section 111(d)(4), 119(b)(4), and 1007.”.

15       (e) REPEAL.—Sections 805 through 810 of title 17,  
 16     United States Code, are repealed.

17       (f) CLERICAL AMENDMENT.—The table of sections at  
 18     the beginning of chapter 8 of title 17, United States Code,  
 19     is amended to read as follows:

      “Sec. 801. Copyright arbitration royalty panels: establishment and purpose.  
       “Sec. 802. Membership and proceedings of copyright arbitration royalty panels.  
       “Sec. 803. Adjustment of compulsory license rates.  
       “Sec. 804. Distribution of copyright royalties.”.

20     **SEC. 202. JUKEBOX LICENSES.**

21       (a) REPEAL OF COMPULSORY LICENSE.—Section  
 22     116 of title 17, United States Code, and the item relating



1 to section 116 in the table of sections at the beginning  
2 of chapter 1 of such title, are repealed.

3 (b) NEGOTIATED LICENSES.—(1) Section 116A of  
4 title 17, United States Code, is amended—

5 (A) by redesignating such section as section  
6 116;

7 (B) by striking subsection (b) and redesignating  
8 subsections (c) and (d) as subsections (b) and (c),  
9 respectively;

10 (C) in subsection (b)(2) (as so redesignated) by  
11 striking “Copyright Royalty Tribunal” and inserting  
12 “Register of Copyrights”;

13 (D) in subsection (c) (as so redesignated)—

14 (i) in the subsection caption by striking  
15 “ROYALTY TRIBUNAL” and inserting “ARBI-  
16 TRATION ROYALTY PANEL”; and

17 (ii) by striking “the Copyright Royalty Tri-  
18 bunal” and inserting “a copyright arbitration  
19 royalty panel”; and

20 (E) by striking subsections (e), (f), and (g).

21 (2) The table of sections at the beginning of chapter  
22 1 of title 17, United States Code, is amended by striking  
23 “116A” and inserting “116”.

1 **SEC. 203. PUBLIC BROADCASTING COMPULSORY LICENSE.**

2 Section 118 of title 17, United States Code, is  
3 amended—

4 (1) in subsection (b)—

5 (A) by striking the first 2 sentences;

6 (B) in the third sentence by striking  
7 “works specified by this subsection” and insert-  
8 ing “published nondramatic musical works and  
9 published pictorial, graphic, and sculptural  
10 works”;

11 (C) in paragraph (1)—

12 (i) in the first sentence by striking “,  
13 within one hundred and twenty days after  
14 publication of the notice specified in this  
15 subsection,”; and

16 (ii) by striking “Copyright Royalty  
17 Tribunal” each place it appears and insert-  
18 ing “Register of Copyrights”;

19 (D) in paragraph (2) by striking “Tribu-  
20 nal” and inserting “Register of Copyrights”;

21 (E) in paragraph (3)—

22 (i) by striking the first sentence and  
23 inserting the following: “In the absence of  
24 license agreements negotiated under para-  
25 graph (2), the Register of Copyrights shall,  
26 pursuant to section 803, convene a copy-

1 right arbitration royalty panel to determine  
2 and publish in the Federal Register a  
3 schedule of rates and terms which, subject  
4 to paragraph (2), shall be binding on all  
5 owners of copyright in works specified by  
6 this subsection and public broadcasting en-  
7 tities, regardless of whether such copyright  
8 owners have submitted proposals to the  
9 Register of Copyrights.”;

10 (ii) in the second sentence—

11 (I) by striking “Copyright Roy-  
12 alty Tribunal” and inserting “copy-  
13 right arbitration royalty panel”; and

14 (II) by striking “clause (2) of  
15 this subsection” and inserting “para-  
16 graph (2)”; and

17 (iii) in the last sentence by striking  
18 “Copyright Royalty Tribunal” and insert-  
19 ing ‘Register of Copyrights’; and

20 (F) by striking paragraph (4);

21 (2) by striking subsection (c); and

22 (3) in subsection (d)—

23 (A) by redesignating such subsection as  
24 subsection (c);

1 (B) by striking “to the transitional provi-  
 2 sions of subsection (b)(4), and”; and

3 (C) by striking “Copyright Royalty Tribu-  
 4 nal” and inserting “copyright arbitration roy-  
 5 alty panel”.

6 **SEC. 204. SECONDARY TRANSMISSIONS BY SUPERSTATIONS**  
 7 **AND NETWORK STATIONS FOR PRIVATE**  
 8 **VIEWING.**

9 Section 119 of title 17, United States Code, is  
 10 amended—

11 (1) in subsection (b)—

12 (A) in paragraph (1) by striking “, after  
 13 consultation with the Copyright Royalty Tribu-  
 14 nal,” each place it appears;

15 (B) in paragraph (2) by striking “Copy-  
 16 right Royalty Tribunal” and inserting “Register  
 17 of Copyrights”;

18 (C) in paragraph (3) by striking “Copy-  
 19 right Royalty Tribunal” and inserting “Register  
 20 of Copyrights”; and

21 (D) in paragraph (4)—

22 (i) by striking “Copyright Royalty  
 23 Tribunal” each place it appears and insert-  
 24 ing “Register of Copyrights”;

1 (ii) by striking “Tribunal” each place  
 2 it appears and inserting “Register”; and  
 3 (iii) in subparagraph (C) by striking  
 4 “conduct a proceeding” in the last sen-  
 5 tence and inserting “convene a copyright  
 6 arbitration royalty panel”; and

7 (2) by striking subsection (c) and inserting the  
 8 following:

9 “(c) DETERMINATION OF ROYALTIES.—The royalty  
 10 fee payable under subsection (b)(1)(B) shall be that estab-  
 11 lished by the Copyright Royalty Tribunal on May 1, 1992,  
 12 as corrected on May 18, 1992.”.

13 **SEC. 205. CONFORMING AMENDMENTS.**

14 (a) CABLE COMPULSORY LICENSE.—Section 111(d)  
 15 of title 17, United States Code, is amended as follows:

16 (1) Paragraph (1) is amended by striking “,  
 17 after consultation with the Copyright Royalty Tribu-  
 18 nal (if and when the Tribunal has been con-  
 19 stituted),”.

20 (2) Paragraph (1)(A) is amended by striking “,  
 21 after consultation with the Copyright Royalty Tribu-  
 22 nal (if and when the Tribunal has been con-  
 23 stituted),”.

24 (3) Paragraph (2) is amended by striking the  
 25 second and third sentences and by inserting the fol-

1       lowing: “All funds held by the Secretary of the  
2       Treasury shall be invested in interest-bearing United  
3       States securities for later distribution by the Reg-  
4       ister in the event no controversy over distribution ex-  
5       ists, or by a copyright arbitration royalty panel in  
6       the event a controversy over such distribution exists.  
7       The Register shall compile and publish on a semi-  
8       annual basis, a compilation of all statements of ac-  
9       count covering the relevant 6-month period provided  
10      by paragraph (1) of this subsection.”.

11           (4) Paragraph (4)(A) is amended—

12                   (A) by striking “Copyright Royalty Tribu-  
13                   nal” and inserting “Register of Copyrights”;  
14                   and

15                   (B) by striking “Tribunal” and inserting  
16                   “Register”.

17           (5) Paragraph (4)(B) is amended to read as  
18      follows:

19                   “(B) After the first day of August of each  
20                   year, the Register of Copyrights shall determine  
21                   whether there exists a controversy concerning  
22                   the distribution of royalty fees. If the Register  
23                   determines that no such controversy exists, the  
24                   Register shall, after deducting the Copyright  
25                   Office’s reasonable administrative costs under

1       this section, distribute such fees to the copy-  
 2       right owners entitled, or to their designated  
 3       agents. If the Register finds the existence of a  
 4       controversy, the Register shall, pursuant to  
 5       chapter 8 of this title, convene a copyright arbi-  
 6       tration royalty panel to determine the distribu-  
 7       tion of royalty fees.”.

8       (6) Paragraph (4)(C) is amended by striking  
 9       “Copyright Royalty Tribunal” and inserting “Reg-  
 10      ister of Copyrights”.

11      (b) AUDIO HOME RECORDING ACT.—

12           (1) ROYALTY PAYMENTS.—Section 1004(a)(3)  
 13      of title 17, United States Code, is amended—

14                   (A) by striking “Copyright Royalty Tribu-  
 15                   nal” and inserting “Register of Copyrights”;  
 16                   and

17                   (B) by striking “Tribunal” and inserting  
 18                   “Register”.

19           (2) DEPOSIT OF ROYALTY PAYMENTS.—Section  
 20      1005 of title 17, United States Code, is amended by  
 21      striking the last sentence.

22           (3) ENTITLEMENT TO ROYALTY PAYMENTS.—  
 23      Section 1006(c) of title 17, United States Code, is  
 24      amended by striking “Copyright Royalty Tribunal”

1 and inserting “Register of Copyrights shall convene  
2 a copyright arbitration royalty panel which”.

3 (4) PROCEDURES FOR DISTRIBUTING ROYALTY  
4 PAYMENTS.—Section 1007 of title 17, United States  
5 Code, is amended—

6 (A) in subsection (a)(1) by striking “Copy-  
7 right Royalty Tribunal” and inserting “Register  
8 of Copyrights”;

9 (B) in subsection (b)—

10 (i) by striking “Copyright Royalty  
11 Tribunal” and inserting “Register of Copy-  
12 rights”; and

13 (ii) by striking “Tribunal” each place  
14 it appears and inserting “Register”; and

15 (C) in subsection (c)—

16 (i) by striking the first sentence and  
17 inserting “If the Register finds the exist-  
18 ence of a controversy, the Register shall,  
19 pursuant to chapter 8 of this title, convene  
20 a copyright arbitration royalty panel to de-  
21 termine the distribution of royalty pay-  
22 ments.”; and

23 (ii) by striking “Tribunal” each place  
24 it appears and inserting “Register”.



1           (5) ARBITRATION OF CERTAIN DISPUTES.—Sec-  
2       tion 1010 of title 17, United States Code, is amend-  
3       ed—

4           (A) in subsection (b)—

5               (i) by striking “Copyright Royalty  
6       Tribunal” and inserting “Register of Copy-  
7       rights”; and

8               (ii) by striking “Tribunal” each place  
9       it appears and inserting “Register”;

10          (B) in subsection (e) by striking “Copy-  
11       right Royalty Tribunal” each place it appears  
12       and inserting “Register of Copyrights”;

13          (C) in subsection (f)—

14               (i) by striking “Copyright Royalty  
15       Tribunal” each place it appears and insert-  
16       ing “Register of Copyrights”;

17               (ii) by striking “Tribunal” each place  
18       it appears and inserting “Register”; and

19               (iii) in the third sentence by striking  
20       “its” and inserting “the Register’s”; and

21          (D) in subsection (g)—

22               (i) by striking “Copyright Royalty  
23       Tribunal” and inserting “Register of Copy-  
24       rights”; and

- 1 (ii) by striking “Tribunal” each place  
 2 it appears and inserting “Register”.

3 **TITLE III—GENERAL**  
 4 **PROVISIONS**

5 **SEC. 301. EFFECTIVE DATE.**

6 (a) TITLE I.—

7 (1) IN GENERAL.—Except as provided in para-  
 8 graph (2), the amendments made by title I take ef-  
 9 fect on the date of the enactment of this Act.

10 (2) SECTION 103.—The amendments made by  
 11 section 103 take effect on January 1, 1994.

12 (b) TITLE II.—The amendments made by title II  
 13 take effect on January 1, 1994.

14 (c) EFFECTIVENESS OF EXISTING RATES AND DIS-  
 15 TRIBUTIONS.—All royalty rates and all determinations  
 16 with respect to the proportionate division of compulsory  
 17 license fees among copyright claimants, whether made by  
 18 the Copyright Royalty Tribunal, or by voluntary agree-  
 19 ment, before the effective date set forth in subsection (b)  
 20 shall remain in effect until modified by voluntary agree-  
 21 ment or pursuant to the amendments made by this Act.

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S 373 IS——2

S 373 IS——3